

Message Text

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C O N F I D E N T I A L MADRID 5145

E.O. 11652: GDS

TAGS: ELAB, PINT, SP

SUBJ: REDUCED SENTENCES ISSUED IN EL FERROL WORKER TRIAL -

COURT MARTIAL OF TWO ETA MEMBERS MAY BE HELD DURING SUMMER

REF: MADRID 4632

SUMMARY: RECENT TRIAL OF EL FERROL WORKERS HAS RESULTED IN SUBSTANTIALLY REDUCED SENTENCES, WITH NEARLY HALF OF 23 ACCUSED ACQUITTED ALTOGETHER, AND REMAINDER RECEIVING CONSIDERABLY LIGHTER SENTENCES THAN EXPECTED. IN ANOTHER, UNRELATED CASE, COURT MARTIAL OF TWO ETA MEMBERS WITH POSSIBLE DEATH SENTENCES MAY BE CONVOKED DURING SUMMER. END SUMMARY.

1. VERDICTS AND SENTENCES IN JULY 1-3 TRIAL OF 23 WORKERS INVOLVED IN 1972 EL FERROL SHIPYARD STRIKE AND SUBSEQUENT DISORDERS IN WHICH TWO WORKERS WERE KILLED (SEE REF), WERE
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ANNOUNCED JULY 22. ELEVEN OF THE 23 ACCUSED WORKERS WERE COMPLETELY

ABSOLVED ON THE GROUNDS OF INSUFFICIENT EVIDENCE. OF REMAINING 12, THREE WERE SENTENCED TO SEVEN YEAR PRISON TERMS, ONE TO FIVE YEARS, AND REMAINDER TO TERMS RANGING FROM ONE YEAR TO 3 1/2 YEARS, FAR LESS THAN THE SENTENCES RANGING UP TO A MAXIMUM OF 17 YEARS WHICH THE GOVT PROSECUTOR HAD ORIGINALLY REQUESTED.

2. DEFENSE LAWYERS HAVE TOLD LABATT SUBSTANTIALLY REDUCED SENTENCES STEM FROM FLEXIBILITY AND RESPECT FOR JUDICIAL PROFESSION AND RELATIVELY INDEPENDENT JUDICIARY WHICH CHARACTERIZE NEW JUSTICE MINISTER SANCHEZ VENTURA, WHO IS BEING INCREASINGLY CONSIDERED A REGIME MODERATE AND HAS PROVEN, DURING HIS FIVE FIVE MONTHS IN OFFICE, QUITE A CONTRAST TO RUIZ JARABO, HIS HARD-LINE PREDECESSOR.

3. THIS SHOULD CONSTITUTE LAST MAJOR TRIAL WITH POLITICAL OVERTONES PRIOR TO SUMMER HOLIDAYS. THERE IS DISTINCT POSSIBILITY, HOWEVER, OF CONVOCAION DURING AUGUST OF AN IMPORTANT MILITARY COURT MARTIAL (WHICH, UNLIKE CIVILIAN TRIALS, CAN BE SCHEDULED ANY TIME) OF TWO BASQUE ETA MEMBERS, JOSE ANTONIO GARMENDIA Y ANGEL OTAEGUI, ACCUSED OF PARTICIPATION IN THE ASSASSINATION OF A GUARDIA CIVIL NEAR SAN SEBASTIAN A YEAR AND A HALF AGO. LATTER CASE HAS ALREADY AROUSED SUBSTANTIAL INTEREST BECAUSE DEATH SENTENCES HAVE BEEN REQUESTED FOR BOTH INDIVIDUALS. ALL PRELIMINARY LEGAL STEPS HAVE JUST BEEN COMPLETED AND CASE COULD GO TO COURT MARTIAL ANY TIME NOW. IF DEATH SENTENCES ARE DECREED AND ACTUALLY CARRIED OUT (A POSSIBILITY, GIVEN GOVT'S TOUGH STANCE TOWARDS ETA TERRORISM), THEY WOULD BE THE FIRST EXECUTIONS SINCE FEBRUARY 1974 EXECUTIONS OF ACCUSED MURDERERS, ANARCHIST PUIG ANTICH AND A POLISH SEAMAN. INTERNATIONAL PROTEST CAMPAIGN COULD BE ANTICIPATED, WHICH LENDS WEIGHT TO SPECULATION GOVT MAY DELIBERATELY CONVOK THIS SENSITIVE COURT MARTIAL DURING SUMMER HOLIDAY PERIOD.
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